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ANNALS
OF THE
AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

JULY, 1891.

CONSTITUTION OF
THE UNITED STATES OF MEXICO.

ANTECEDENTS.

IN seeking independence the Spanish colonies in America were moved by the democratic doctrines of France and by the example of the United States. Their long submission to Spanish rule had, however, given rise to traditions which tended to keep them loyal to monarchy. But when Ferdinand VII. fell into the hands of Napoleon, the bond of attachment to Spain was weakened, and signs of revolt appeared. The open struggle for independence, which began in 1810 and lasted with occasional interruptions till 1824, stands in marked contrast with the efforts of the English Colonies. It had many of the characteristics of a civil war, on account of the large number of those who advocated continued dependence on Spain, while the more complete unity of purpose in the English Colonies gave

their war for independence the character of a struggle against a foreign enemy.

An early suggestion of a national representative government for Mexico appeared in the proposition made by the ayuntamiento of the City of Mexico to the Viceroy that he should call a national assembly composed of representatives of the provinces. This proposition was favored by the Viceroy, but was opposed by the *Audiencia*, who represented the spirit of Spanish possession and dominion. The higher clergy, moreover, as holders of great power, opposed all attempts at independence; while the lower clergy, to which Miguel Hidalgo i Costilla belonged, became the earliest champions of the movement.

After the overthrow of Hidalgo's forces and the capture of the leader it became evident to the patriots that they ought be represented by some formally constituted government. An assembly composed principally of officers of the army was, therefore, convened. In accordance with its decree a governmental council was established, consisting at first of three members and later of five, whose collective title was the "Supreme Governmental Council of America." In the exercise of their new authority they cited the military officers, the governors, and alcaldes of the Indian pueblos of the vicinity to take the oath of obedience and fidelity to the Council, which governed in the name of King Ferdinand VII. The use of the King's name was clearly an act of policy, through which the Council hoped to gain forces at the expense of the enemy, and to turn to the cause of freedom those who desired independence but who halted at the idea of fighting against the King. The attempt on the part of the Council to make an agreement with the Viceroy only led him to reject with indignation the project of an independent power in Mexico. Strictly speaking, the Council was an illegal body, deriving authority neither from a popular election nor from any existing legitimate source. It was feared, however, by the Spanish party that it might gain recognition

and exercise the functions of a legitimate government. A price was, therefore, set on the head of each member, but its subsequent dissolution was due rather to internal dissension than to external attack.

On the 1st of September, 1813, a Congress constituted by popular election was assembled in Chilpancingo. This body proclaimed anew the independence of Mexico, and agreed upon a republican Constitution, which was published in Apanzangan in October, 1814. This Constitution was also short-lived, being set aside by the adoption of the Spanish Constitution of 1812, in so far as it was applicable to Mexico.

Between 1815 and 1820 Mexico was little disturbed by military operations, but finally the cause of independence was revived, and on the 24th of February, 1820, was published the Plan of Iguala. By this instrument an independent limited monarchy was erected in Mexico, and the throne was to be offered to Ferdinand VII., and in case of his refusal to other princes designated. The Roman Catholic faith was declared to be the sole religion of the state, and the equality of all social classes was proclaimed. The Plan of Iguala, a compromise between political independence and religious intolerance, found very general favor; even the new Viceroy, O'Donojú, accepted it with only slight modifications, and recognized the new *Imperio Mejicano*. A provisional Governmental Council was then formed, which was charged with the legislative authority until the Cortes should be installed. The executive power was temporarily entrusted to a regency of three persons, who should exercise it till the accession of the prince. In carrying out the provisions of the Plan of Iguala, as modified by the agreement at Cordova between O'Donojú and Iturbide, it was discovered that the scheme was not approved by either the King or the Cortes of Spain, and that in Mexico itself there were many republicans dissatisfied with it. In this condition of affairs, Iturbide, supported by a portion of the army, was proclaimed Emperor. But his conduct in his temporary use of power

only increased the opposition which he had encountered in the beginning; and, finding it impossible to maintain an independent imperial government in Mexico, he abdicated and went into exile. The Congress, taking advantage of the departure of Iturbide, declared that his administration had been a rule of force and not of right, and that all of his acts were illegal and subject to revision. It then placed the executive power in the hands of a triumvirate composed of Negrete, Bravo, and Victoria, representing the Spanish, the monarchical, and the republican parties.

A new Congress was installed on the 7th of November, 1823, and on the 3d of December it began the discussion of a project for a fundamental law, which was approved January 31, 1824, and "in thirty-six articles contained the basis of the future political Constitution." Through the adoption of this Constitution the nation acquired a popular representative, federal, republican government. But this was only a provisional government, and was set aside on the adoption of the definitive Constitution of 1824, which in many particulars was a copy of the Constitution of the United States.

The Constitution of 1824 remained in force eleven years, but during these years Mexico was not without its internal disturbances; and in 1833, by a revolution, General Antonio Lopez de Santana was made President. After a temporary retirement, a reactionary movement restored him to power in 1834. Having allied himself with the clericals and centralists, he dissolved the Congress on the 31st of May, set aside the liberal decrees which that body had passed, made the Vice-President, Gomez Farias, resign, and broke openly with the federalists. The new Congress which was installed in January, 1835, undertook to reform the Constitution of 1824, and in 1836 a new fundamental law was issued, which rejected the federal principle and established a centralized government, the whole territory of the Republic being divided into departments instead of the preëxisting States,

the departments into districts, and these again into partidos. By thus enlarging the functions of the central Government the grounds of party separation were made more conspicuous. Every adherent of federalism became an opponent of the new order of things, and in the next decade Mexico was without an effective Constitution. Power rested with the most successful military leader. In 1847, however, the Congress passed an Act which brought into force again the Constitution of 1824, with certain amendments.

Without attempting to note the numerous "pronunciamientos" made and the "bases" promulgated, attention may be called to the "Plan" promulgated by the garrison of Ayutla. According to this plan Santana was to be deprived of the power which he exercised arbitrarily, an *ad interim* President was to be appointed, and a Constitutional Convention convened. The garrison of Acapulco seconded this plan with slight modifications, and Ignacio Comonfort became the leader of the new revolution. On the 8th of August, 1855, Santana left the Presidency, and a few days later went into exile. On the 13th of the same month the garrison of the capital also adopted the Plan of Ayutla. The 4th of October General Alvarez was elected *ad interim* President, and in February, 1856, the Constituent Congress, or Constitutional Convention, was assembled. Comonfort, who had become President on the resignation of Alvarez, now issued, in accordance with authority conferred upon him by the Plan of Ayutla and Acapulco, an "*Estatuto orgánico provisional de la Republica Mexicana.*" The *estatuto* was a quasi-Constitution, in 125 articles, which organized completely the executive and judicial powers in accordance with the principles of centralism, and which detailed with much method and in a liberal sense the civil and political rights of the Mexicans; but which obliterated all this, as with one dash of the pen, by Article 82, conceived as follows: "The President of the Republic shall be able to act discretionally, when, in the judgment of the Council of Ministers, this shall be necessary in order to

defend the independence or the integrity of the territory, or to maintain the established order, or to preserve the public tranquillity; but in no case shall he be able to impose the penalty of death, nor those penalties prohibited by Article 55."

The new Constitution, which was formulated in the meantime by the Constituent Congress, was finally adopted on the 5th of February, 1857. But this Constitution, by abolishing the ecclesiastical and military privileges, excited vigorous opposition. As a result of this opposition, the nation found itself, in 1858, in civil war, with Benito Juarez as leader of the Constitutional party, while General Zuloaga, and later General Miramon, led the Revolutionary party. Having, in 1861, overcome the Revolutionary forces and taken possession of the capital, Juarez, in accordance with Article 29 of the Constitution, received extraordinary powers to suspend the individual guarantees recognized by this law. During the same year, 1861, the Revolutionary party entered into certain foreign alliances against the Constitutional party, led by Juarez, and from these alliances proceeded the series of events which constitute the Imperial episode of Maximilian's reign. While Maximilian, backed by the power of France, was attempting to establish an imperial government in Mexico, the forces of the Constitutionalists were scattered on the frontiers. Three months after the withdrawal of the French troops, in obedience to the demands of the United States, the Imperialists were undone, Maximilian, Miramon, and Mejia had been shot, and the way was once more open to the Constitutionalists. The Constitution of 1857 became again the effective fundamental law of the land, and, with a number of subsequent amendments, has continued in force to the present time.

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PREAMBLE.

In the name of God and with the authority of the Mexican people.

The representatives of the different States, of the District and Territories which compose the Republic of Mexico, called by the Plan proclaimed in Ayutla the 1st of March, 1854, amended in Acapulco the 11th day of the same month and year, and by the summons issued the 17th of October, 1855, to constitute the nation under the form of a popular, representative, democratic republic, exercising the powers with which they are invested, comply with the requirements of their high office, decreeing the following political Constitution of the Mexican Republic, on the indestructible basis of its legitimate independence, proclaimed the 16th of September, 1810, and completed the 27th of September, 1821.

TITLE I.

SECTION I. OF THE RIGHTS OF MAN.

ARTICLE 1. The Mexican people recognize that the rights of man are the basis and the object of social institutions. Consequently they declare that all the laws and all the authorities of the country must respect and maintain the guarantees which the present Constitution establishes.

ART. 2. In the Republic all are born free. Slaves who set foot upon the national territory recover, by that act alone, their liberty, and have a right to the protection of the laws.

ART. 3. Instruction is free. The law shall determine what professions require a diploma for their exercise, and with what requisites they must be issued.

ART. 4. Every man is free to adopt the profession, industrial pursuit, or occupation which suits him, the same being useful and honorable, and to avail himself of its products. Nor shall anyone be hindered in the exercise of such profession, industrial pursuit, or occupation, unless by judicial sentence when such exercise attacks the rights of a third party, or by governmental resolution, dictated in terms which the law marks out, when it offends the rights of society.

ART. 5. No one shall be obliged to give personal services without just compensation, and without his full consent. The state shall not permit any contract, pact, or agreement to be carried into effect which has for its object the diminution, loss, or irrevocable sacrifice of the liberty of man, whether it be for the sake of labor, education, or a religious vow. The law, consequently, may not recognize monastic orders, nor may it permit their establishment, whatever may be the denomination or object with which they claim to be formed.¹ Neither may an agreement be permitted in which anyone stipulates for his proscription or banishment.

ART. 6. The expression of ideas shall not be the object of any judicial or administrative inquisition, except in case it attacks morality, the rights of a third party, provokes some crime or misdemeanor, or disturbs public order.

ART. 7. The liberty to write and to publish writings on any subject whatsoever is inviolable. No law or authority shall establish previous censure, nor require security from authors or printers, nor restrict the liberty of the press, which has no other limits than respect of private life, morality, and the public peace. The crimes which are committed by means of the press shall be judged by the competent tribunals of the Federation, or by those of the

¹ This sentence was introduced into the original article September 25, 1873, with other less important amendments.

States, those of the Federal District and the Territory of Lower California, in accordance with their penal laws.¹

ART. 8. The right of petition, exercised in writing in a peaceful and respectful manner, is inviolable; but in political matters only citizens of the Republic may exercise it. To every petition must be returned a written opinion by the authority to whom it may have been addressed, and the latter is obliged to make the result known to the petitioner.

ART. 9. No one may be deprived of the right peacefully to assemble or unite with others for any lawful object whatsoever, but only citizens of the Republic may do this in order to take part in the political affairs of the country. No armed assembly has a right to deliberate.

ART. 10. Every man has a right to possess and carry arms for his security and legitimate defence. The law shall designate what arms are prohibited and the punishment which those shall incur who carry them.

ART. 11. Every man has a right to enter and to go out of the Republic, to travel through its territory and change his residence, without the necessity of a letter of security, passport, safe-conduct, or other similar requisite. The exercise of this right shall not prejudice the legitimate faculties of the judicial or administrative authority in cases of criminal or civil responsibility.

ART. 12. There are not, nor shall there be recognized in the Republic, titles of nobility, or prerogatives, or hereditary honors. Only the people, legitimately represented, may decree recompenses in honor of those who may have rendered or may render eminent services to the country or to humanity.

ART. 13. In the Mexican Republic no one may be judged by special law nor by special tribunals. No person

¹ This article was amended May 15, 1883, by introducing the last sentence as a substitute for the following: "The crimes of the press shall be judged by one jury which attests the fact and by another which applies the law and designates the punishment."

or corporation may have privileges, or enjoy emoluments, which are not compensation for a public service and are established by law. Martial law may exist only for crimes and offences which have a definite connection with military discipline. The law shall determine with all clearness the cases included in this exception.

ART. 14. No retroactive law shall be enacted. No one may be judged or sentenced except by laws made prior to the act, and exactly applicable to it, and by a tribunal which shall have been previously established by law.

ART. 15. Treaties shall never be made for the extradition of political offenders, nor for the extradition of those violators of the public order who may have held in the country where they committed the offence the position of slaves; nor agreements or treaties in virtue of which may be altered the guarantees and rights which this Constitution grants to the man and to the citizen.

ART. 16. No one may be molested in his person, family, domicile, papers and possessions, except in virtue of an order written by the competent authority, which shall establish and assign the legal cause for the proceeding. In the case of *in flagrante delicto* any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities.

ART. 17. No one may be arrested for debts of a purely civil character. No one may exercise violence in order to reclaim his rights. The tribunals shall always be prompt to administer justice. This shall be gratuitous, judicial costs being consequently abolished.

ART. 18. Imprisonment shall take place only for crimes which deserve corporal punishment. In any state of the process in which it shall appear that such a punishment might not be imposed upon the accused, he shall be set at liberty under bail. In no case shall the imprisonment or detention be prolonged for default of payment of fees, or of any furnishing of money whatever.

ART. 19. No detention shall exceed the term of three

days, unless justified by a writ showing cause of imprisonment and other requisites which the law establishes. The mere lapse of this term shall render responsible the authority that orders or consents to it, and the agents, ministers, wardens, or jailers who execute it. Any maltreatment in the apprehension or in the confinement of the prisoners, any injury which may be inflicted without legal ground, any tax or contribution in the prisons, is an abuse which the laws must correct and the authorities severely punish.

ART. 20. In every criminal trial the accused shall have the following guarantees :

I. That the grounds of the proceedings and the name of the accuser, if there shall be one, shall be made known to him.

II. That his preparatory declaration shall be taken within forty-eight hours, counting from the time he may be placed at the disposal of the judge.

III. That he shall be confronted with the witnesses who testify against him.

IV. That he shall be furnished with the *data* which he requires and which appear in the process, in order to prepare for his defence.

V. That he shall be heard in defence by himself or by counsel, or by both, as he may desire. In case he should have no one to defend him, a list of official defenders shall be presented to him, in order that he may choose one or more who may suit him.

ART. 21. The application of penalties properly so called belongs exclusively to the judicial authority. The political or administrative authorities may only impose fines, as correction, to the extent of five hundred dollars, or imprisonment to the extent of one month, in the cases and manner which the law shall expressly determine.

ART. 22. Punishments by mutilation and infamy, by branding, flogging, the bastinado, torture of whatever kind, excessive fines, confiscation of property, or any other unusual or extraordinary penalties, shall be forever prohibited.

ART. 23. In order to abolish the penalty of death, the administrative power is charged to establish, as soon as possible, a penitentiary system. In the meantime the penalty of death shall be abolished for political offences, and shall not be extended to other cases than treason during foreign war, highway robbery, arson, parricide, homicide with treachery, premeditation or advantage, to grave offences of the military order, and piracy, which the law shall define.

ART. 24. No criminal proceeding may have more than three instances. No one shall be tried twice for the same offence, whether by the judgment he be absolved or condemned. The practice of absolving from the instance is abolished.

ART. 25. Sealed correspondence which circulates by the mails is free from all registry. The violation of this guarantee is an offence which the law shall punish severely.

ART. 26. In time of peace no soldier may demand quarters, supplies, or other real or personal service without the consent of the proprietor. In time of war he shall do this only in the manner prescribed by the law.

ART. 27. Private property shall not be appropriated without the consent of the owner, except for the sake of public use, and with previous indemnification. The law shall determine the authority which may make the appropriation and the conditions under which it may be carried out.

No corporation, civil or ecclesiastical, whatever may be its character, denomination, or object, shall have legal capacity to acquire in proprietorship or administer for itself real estate, with the single exception of edifices destined immediately and directly to the service and object of the institution.¹

ART. 28. There shall be no monopolies, nor places of any kind for the sale of privileged goods, nor prohibitions under titles of protection to industry. There shall be

¹ See Article 3 of Additions to the Constitution.

excepted only those relative to the coining of money, to the mails, and to the privileges which, for a limited time, the law may concede to inventors or perfectors of some improvement.

ART. 29. In cases of invasion, grave disturbance of the public peace, or any other cases whatsoever which may place society in great danger or conflict, only the President of the Republic in concurrence with the Council of Ministers and with the approbation of the Congress of the Union, and, in the recess thereof, of the permanent deputation, may suspend the guarantees established by this Constitution, with the exception of those which assure the life of man; but such suspension shall be made only for a limited time, by means of general provisions, and without being limited to a determined person. If the suspension should take place during the session of Congress, this body shall concede the authorizations which it may esteem necessary in order that the Executive may meet properly the situation. If the suspension should take place during the recess, the permanent deputation shall convoke the Congress without delay in order that it may make the authorizations.

SECTION II. OF MEXICANS.

ART. 30. Mexicans are—

I. All those born, within or without the Republic, of Mexican parents.

II. Foreigners who are naturalized in conformity with the laws of the Federation.

III. Foreigners who acquire real estate in the Republic or have Mexican children; provided they do not manifest their resolution to preserve their nationality.

ART. 31. It is an obligation of every Mexican—

I. To defend the independence, the territory, the honor, the rights and interests of his country.

II. To contribute for the public expenses, as well of the Federation as of the State and municipality in which he

resides, in the proportional and equitable manner which the laws may provide.

ART. 32. Mexicans shall be preferred to foreigners in equal circumstances, for all employments, charges, or commissions of appointment by the authorities, in which the condition of citizenship may not be indispensable. Laws shall be issued to improve the condition of Mexican laborers, rewarding those who distinguish themselves in any science or art, stimulating labor, and founding practical colleges and schools of arts and trades.

SECTION III. OF FOREIGNERS.

ART. 33. Foreigners are those who do not possess the qualifications determined in Article 30. They have a right to the guarantees established by Section I., Title I., of the present Constitution, except that in all cases the Government has the right to expel pernicious foreigners. They are under obligation to contribute to the public expenses in the manner which the laws may provide, and to obey and respect the institutions, laws, and authorities of the country, subjecting themselves to the judgments and sentences of the tribunals, without power to seek other protection than that which the laws concede to Mexican citizens.

SECTION IV. OF MEXICAN CITIZENS.

ART. 34. Citizens of the Republic are all those who, having the quality of Mexicans, have also the following qualifications:

I. Eighteen years of age if married, or twenty-one if not married.

II. An honest means of livelihood.

ART. 35. The prerogatives of the citizen are—

I. To vote at popular elections.

II. The privilege of being voted for *for* any office subject to popular election, and of being selected for any other

employment or commission, having the qualifications established by law.

III. To associate to discuss the political affairs of the country.

IV. To take up arms in the army or in the national guard for the defence of the Republic and its institutions.

V. To exercise in all cases the right of petition.

ART. 36. Every citizen of the Republic is under the following obligations :

I. To be inscribed on the municipal roll, stating the property which he has, or the industry, profession, or labor by which he subsists.

II. To enlist in the national guard.

III. To vote at popular elections in the district to which he belongs.

IV. To discharge the duties of the offices of popular election of the Federation, which in no case shall be gratuitous.

ART. 37. The character of citizen is lost—

I. By naturalization in a foreign country.

II. By serving officially the government of another country or accepting its decorations, titles, or employments without previous permission from the Federal Congress ; excepting literary, scientific, and humanitarian titles, which may be accepted freely.

ART. 38. The law shall prescribe the cases and the form in which may be lost or suspended the rights of citizenship and the manner in which they may be regained.

TITLE II.

SECTION I. OF THE NATIONAL SOVEREIGNTY AND OF THE FORM OF GOVERNMENT.

ART. 39. The national sovereignty resides essentially and originally in the people. All public power emanates from the people, and is instituted for their benefit. The

people have at all times the inalienable right to alter or modify the form of their government.

ART. 40. The Mexican people voluntarily constitute themselves a democratic, federal, representative republic, composed of States free and sovereign in all that concerns their internal government, but united in a federation established according to the principles of this fundamental law.

ART. 41. The people exercise their sovereignty by means of Federal officers in cases belonging to the Federation, and through those of the States in all that relates to the internal affairs of the States within the limits respectively established by this Federal Constitution, and by the special Constitutions of the States, which latter shall in no case contravene the stipulations of the Federal Compact.

SECTION II. OF THE INTEGRAL PARTS OF THE FEDERATION AND OF THE NATIONAL TERRITORY.

ART. 42. The National Territory comprises that of the integral parts of the Federation and that of the adjacent islands in both oceans.

ART. 43. The integral parts of the Federation are: the States of Aguascalientes, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Jalisco, Mexico, Michoacan, Nuevo Leon and Coahuila, Oajaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlascala, Valle de Mexico, Vera Cruz, Yucatan, Zacatecas, and the Territory of Lower California.

ART. 44. The States of Aguascalientes, Chiapas, Chihuahua, Durango, Guerrero, Mexico, Puebla, Querétaro, Sinaloa, Sonora, Tamaulipas, and the Territory of Lower California shall preserve the limits which they now have.

ART. 45. The States of Colima and Tlascala shall preserve in their new character of States the limits which they have had as Territories of the Federation.

ART. 46. The State of the Valley of Mexico shall be formed of the territory actually composing the Federal

District, but the erection into a State shall only have effect when the supreme Federal authorities are removed to another place.

ART. 47. The State of Nuevo Leon and Coahuila shall comprise the territory which has belonged to the two distinct States of which it is now formed, except the part of the hacienda of Bonanza, which shall be reincorporated in Zacatecas, on the same terms in which it was before its incorporation in Coahuila.

ART. 48. The States of Guanajuato, Jalisco, Michoacan, Oajaca, San Luis Potosí, Tabasco, Vera Cruz, Yucatan, and Zacatecas shall recover the extension and limits which they had on the 31st of December, 1852, with the alterations the following Article establishes.

ART. 49. The town of Contepec, which has belonged to Guanajuato, shall be incorporated in Michoacan. The municipality of Ahualulco, which has belonged to Zacatecas, shall be incorporated in San Luis Potosí. The municipalities of Ojo-Caliente and San Francisco de los Adames, which have belonged to San Luis, as well as the towns of Nueva Tlascala and San Andres del Teul, which have belonged to Jalisco, shall be incorporated in Zacatecas. The department of Tuxpan shall continue to form a part of Vera Cruz. The canton of Huimanguillo, which has belonged to Vera Cruz, shall be incorporated in Tabasco.¹

¹ Besides the twenty-four States which are mentioned in this section there have been created subsequently, according to executive decrees issued in accordance with the Constitution, the four following:

XXV. That of Campeche, separated from Yucatan.

XXVI. That of Coahuila, separated from Nuevo Leon.

XXVII. That of Hidalgo, in territory of the ancient State of Mexico, which formed the second military district.

XXVIII. That of Morelos, in territory also of the ancient State of Mexico, which formed the third military district.

TITLE III.

OF THE DIVISION OF POWERS.

ART. 50. The supreme power of the Federation is divided for its exercise into legislative, executive, and judicial. Two or more of these powers shall never be united in one person or corporation, nor the legislative power be deposited in one individual.

SECTION I. OF THE LEGISLATIVE POWER.

ART. 51. The legislative power of the nation is deposited in a general Congress, which shall be divided into two houses, one of Deputies and the other of Senators.¹

Paragraph I. Of the Election and Installation of Congress.

ART. 52. The House of Deputies shall be composed of representatives of the nation, elected in their entire number every two years by Mexican citizens.

ART. 53. One deputy shall be elected for each forty thousand inhabitants, or for a fraction which exceeds twenty thousand. The territory in which the population is less than that determined in this article shall, nevertheless, elect one deputy.

ART. 54. For each deputy there shall be elected one alternate.

ART. 55. The election for deputies shall be indirect in the first degree, and by secret ballot, in the manner which the law shall prescribe.

ART. 56. In order to be eligible to the position of a deputy it is required that the candidate be a Mexican citizen in the enjoyment of his rights; that he be fully twenty-five years

¹ The original form of this article was as follows: "The exercise of the supreme legislative power is vested in one assembly, which shall be denominated Congress of the Union."

of age on the day of the opening of the session; that he be a resident of the State or Territory which makes the election, and that he be not an ecclesiastic. Residence is not lost by absence in the discharge of any public trust bestowed by popular election.

ART. 57. The positions of Deputy and of Senator are incompatible with any Federal commission or office whatsoever for which a salary is received.

ART. 58. The Deputies and the Senators, from the day of their election to the day on which their trust is concluded, may not accept any commission or office offered by the Federal Executive, for which a salary is received, except with the previous license of the respective house. The same requisites are necessary for the alternates of Deputies and Senators when in the exercise of their functions.

A. The Senate is composed of two Senators for each State and two for the Federal District. The election of Senators shall be indirect in the first degree. The Legislature of each State shall declare elected the person who shall have obtained the absolute majority of the votes cast, or shall elect from among those who shall have obtained the relative majority in the manner which the electoral law shall prescribe. For each Senator there shall be elected an alternate.

B. The Senate shall be renewed one-half every two years. The Senators named in the second place shall go out at the end of the first two years, and thereafter the half who have held longer.

C. The same qualifications are required for a Senator as for a Deputy, except that of age, which must be at least thirty years on the day of the opening of the session.

ART. 59. The Deputies and Senators are privileged from arrest for their opinions manifested in the performance of their duties, and shall never be liable to be called to account for them.

ART. 60. Each house shall judge of the election of its

members, and shall solve the doubts which may arise regarding them.

ART. 61. The houses may not open their sessions nor perform their functions without the presence in the Senate of at least two-thirds, and in the House of Deputies of more than one-half of the whole number of their members, but those present of one or the other body must meet on the day indicated by the law and compel the attendance of absent members under penalties which the law shall designate.

ART. 62. The Congress shall have each year two periods of ordinary sessions: the first, which may be prorogued for thirty days, shall begin on the 16th of September and end on the 15th of December, and the second, which may be prorogued for fifteen days, shall begin the 1st of April and end the last day of May.

ART. 63. At the opening of the sessions of the Congress the President of the Union shall be present and shall pronounce a discourse in which he shall set forth the state of the country. The President of the Congress shall reply in general terms.

ART. 64. Every resolution of the Congress shall have the character of a law or decree. The laws and decrees shall be communicated to the Executive, signed by the Presidents of both houses and by a Secretary of each of them, and shall be promulgated in this form: "The Congress of the United States of Mexico decrees:" (*Text of the law or decree.*)

Paragraph II. Of the Initiative and Formation of the Laws.

ART. 65. The right to initiate laws or decrees belongs:

I. To the President of the Union.

II. To the Deputies and Senators of the general Congress.

III. To the Legislatures of the States.

ART. 66. Bills presented by the President of the Repub-

lic, by the Legislatures of the States, or by deputations from the same, shall pass immediately to a committee. Those which the Deputies or the Senators may present shall be subjected to the procedure which the rules of debate may prescribe.

ART. 67. Every bill which shall be rejected in the house where it originated, before passing to the other house, shall not again be presented during the sessions of that year.

ART. 68. The second period of sessions shall be destined, in all preference, to the examination of and action upon the estimates of the following fiscal year, to passing the necessary appropriations to cover the same, and to the examination of the accounts of the past year, which the Executive shall present.

ART. 69. The last day but one of the first period of sessions the Executive shall present to the House of Deputies the bill of appropriations for the next year following and the accounts of the preceding year. Both shall pass to a committee of five Representatives appointed on the same day, which shall be under obligation to examine said documents, and present a report on them at the second session of the second period.

ART. 70. The formation of the laws and of the decrees may begin indiscriminately in either of the two houses, with the exception of bills which treat of loans, taxes, or imposts, or of the recruiting of troops, all of which must be discussed first in the House of Deputies.

ART. 71. Every bill, the consideration of which does not belong exclusively to one of the houses, shall be discussed successively in both, the rules of debate being observed with reference to the form, the intervals, and manner of proceeding in discussions and voting.

A. A bill having been approved in the house where it originated, shall pass for its discussion to the other house. If the latter body should approve it, it will be

remitted to the Executive, who, if he shall have no observations to make, shall publish it immediately.

B. Every bill shall be considered as approved by the Executive if not returned with observations to the house where it originated within ten working days, unless during this term Congress shall have closed or suspended its sessions, in which case the return must be made the first working day on which it shall meet.

C. A bill rejected wholly or in part by the Executive must be returned with his observations to the house where it originated. It shall be discussed again by this body, and if it should be confirmed by an absolute majority of votes, it shall pass again to the other house. If by this house it should be sanctioned with the same majority, the bill shall be a law or decree, and shall be returned to the Executive for promulgation. The voting on the law or decree shall be by name.

D. If any bill should be rejected wholly in the house in which it did not originate, it shall be returned to that in which it originated with the observations which the former shall have made upon it. If having been examined anew it should be approved by the absolute majority of the members present, it shall be returned to the house which rejected it, which shall again take it into consideration, and if it should approve it by the same majority it shall pass to the Executive, to be treated in accordance with division A; but, if it should reject it, it shall not be presented again until the following sessions.

E. If a bill should be rejected only in part, or modified, or receive additions by the house of revision, the new discussion in the house where it originated shall treat only of the rejected part, or of the amendments or additions, without being able to alter in any manner the articles approved. If the additions or amendments made by the house of revision should be approved by the absolute majority of the votes present in the house where it originated, the whole bill shall be passed to the Executive, to

be treated in accordance with division A. But if the additions or amendments made by the house of revision should be rejected by the majority of the votes in the house where it originated, they shall be returned to the former, in order that the reasons of the latter may be taken into consideration; and if by the absolute majority of the votes present said additions or amendments shall be rejected in this second revision, the bill, in so far as it has been approved by both houses, shall be passed to the Executive, to be treated in accordance with division A; but if the house of revision should insist, by the absolute majority of the votes present, on said additions or amendments, the whole bill shall not be again presented until the following sessions, unless both houses agree by the absolute majority of their members present that the law or decree shall be issued solely with the articles approved, and that the parts added or amended shall be reserved to be examined and voted in the following sessions.

F. In the interpretation, amendment, or repeal of the laws or decrees, the rules established for their formation shall be observed.

G. Both houses shall reside in the same place, and they shall not remove to another without first agreeing to the removal and on the time and manner of making it, designating the same point for the meeting of both. But if both houses, agreeing to the removal, should differ as to time, manner, or place, the Executive shall terminate the difference by choosing one of the places in question. Neither house shall suspend its sessions for more than three days without the consent of the other.

H. When the general Congress meets in extra sessions, it shall occupy itself exclusively with the object or objects designated in the summons; and if the special business shall not have been completed on the day on which the regular session should open, the extra sessions shall be closed nevertheless, leaving the points pending to be treated of in the regular sessions.

The Executive of the Union shall not make observations on the resolutions of the Congress when this body prorogues its sessions or exercises functions of an electoral body or a jury.

Paragraph III. Of the Powers of the General Congress.

ART. 72. The Congress has power—

I. To admit new States or Territories into the Federal Union, incorporating them in the nation.

II. To erect Territories into States when they shall have a population of eighty thousand inhabitants and the necessary elements to provide for their political existence.

III. To form new States within the limits of those existing, it being necessary to this end—

1. That the fraction or fractions which ask to be erected into a State shall number a population of at least one hundred and twenty thousand inhabitants.

2. That it shall be proved before Congress that they have elements sufficient to provide for their political existence.

3. That the Legislatures of the States, the territories of which are in question, shall have been heard on the expediency or in expediency of the establishment of the new State, and they shall be obliged to make their report within six months, counted from the day on which the communication relating to it shall have been remitted to them.

4. That the Executive of the Federation shall likewise be heard, who shall send his report within seven days, counted from the date on which he shall have been asked for it.

5. That the establishment of the new State shall have been voted for by two-thirds of the Deputies and Senators present in their respective houses.

6. That the resolution of Congress shall have been ratified by the majority of the Legislatures of the States,

after examining a copy of the proceedings; provided that the Legislatures of the States whose territory is in question shall have given their consent.

7. If the Legislatures of the States whose territory is in question shall not have given their consent, the ratification mentioned in the preceding clause must be made by two-thirds of the Legislatures of the other States.

A. The exclusive powers of the House of Deputies are—

I. To constitute itself an Electoral College in order to exercise the powers which the law may assign to it, in respect to the election of the Constitutional President of the Republic, Magistrates of the Supreme Court, and Senators for the Federal District.

II. To judge and decide upon the resignations which the President of the Republic or the Magistrates of the Supreme Court of Justice may make. The same power belongs to it in treating of licenses solicited by the first.

III. To watch over, by means of an inspecting committee from its own body, the exact performance of the business of the chief auditorship.

IV. To appoint the principal officers and other employés of the same.

V. To constitute itself a jury of accusation, for the high functionaries of whom Article 103 of this Constitution treats.

VI. To examine the accounts which the Executive must present annually, to approve the annual estimate of expenses, and to initiate the taxes which in its judgment ought to be decreed to cover these expenses.

B. The exclusive powers of the Senate are—

I. To approve the treaties and diplomatic conventions which the Executive may make with foreign powers.

II. To ratify the appointments which the President of the Republic may make of ministers, diplomatic agents, consuls-general, superior employés of the Treasury, col-

onels and other superior officers of the national army and navy, on the terms which the law shall provide.

III. To authorize the Executive to permit the departure of national troops beyond the limits of the Republic, the passage of foreign troops through the national territory, the station of squadrons of other powers for more than a month in the waters of the Republic.

IV. To give its consent in order that the Executive may dispose of the national guard outside of their respective States or Territories, determining the necessary force.

V. To declare, when the Constitutional legislative and executive powers of a State shall have disappeared, that the case has arrived for appointing to it a provisional Governor, who shall call elections in conformity with the Constitutional laws of the said State. The appointment of Governor shall be made by the Federal Executive with the approval of the Senate, and in its recesses with the approval of the Permanent Commission. Said functionary shall not be elected Constitutional Governor at the elections which are had in virtue of the summons which he shall issue.

VI. To decide political questions which may arise between the powers of a State, when any of them may appear with this purpose in the Senate, or when on account of said questions Constitutional order shall have been interrupted during a conflict of arms. In this case the Senate shall dictate its resolution, being subject to the general Constitution of the Republic and to that of the State.

The law shall regulate the exercise of this power and that of the preceding.

VII. To constitute itself a jury of judgment in accordance with Article 105 of this Constitution.

C. Each of the houses may, without the intervention of the other—

I. Dictate economic resolutions relative to its internal regimen.

II. Communicate within itself, and with the Executive of the Union, by means of committees from its own body.

III. Appoint the employés of its secretaryship, and make the internal regulations for the same.

IV. Issue summons for extraordinary elections, with the object of filling the vacancies of their respective members.

IV. To regulate definitely the limits of the States, terminating the differences which may arise between them relative to the demarcation of their respective territories, except when these difficulties have a contentious character.

V. To change the residence of the supreme powers of the Federation.

VI. To establish the internal order of the Federal District and Territories, taking as a basis that the citizens shall choose by popular election the political, municipal, and judicial authorities, and designating the taxes necessary to cover their local expenditure.

VII. To approve the estimates of the Federal expenditure, which the Executive must annually present to it, and to impose the necessary taxes to cover them.

VIII. To give rules under which the Executive may make loans on the credit of the nation ; to approve said loans, and to recognize and order the payment of the national debt.

IX. To establish tariffs on foreign commerce, and to prevent, by means of general laws, onerous restrictions from being established with reference to the commerce between the States.

X. To issue codes, obligatory throughout the Republic, of mines and commerce, comprehending in this last banking institutions.

XI. To create and suppress public Federal employments and to establish, augment, or diminish their salaries.

XII. To ratify the appointments which the Executive may make of ministers, diplomatic agents, and consuls, of

the higher employés of the Treasury, of the colonels and other superior officers of the national army and navy.

XIII. To approve the treaties, contracts, or diplomatic conventions which the Executive may make.

XIV. To declare war in view of the data which the Executive may present to it.

XV. To regulate the manner in which letters of marque may be issued; to dictate laws according to which must be declared good or bad the prizes on sea and land, and to issue laws relating to maritime rights in peace and war.

XVI. To permit or deny the entrance of foreign troops into the territory of the Republic, and to consent to the station of squadrons of other powers for more than a month in the waters of the Republic.

XVII. To permit the departure of national troops beyond the limits of the Republic.¹

XVIII. To raise and maintain the army and navy of the Union, and to regulate their organization and service.

XIX. To establish regulations with the purpose of organizing, arming, and disciplining the national guard, reserving respectively to the citizens who compose it the appointment of the commanders and officers, and to the States the power of instructing it in conformity with the discipline prescribed by said regulations.

XX. To give its consent in order that the Executive may control the national guard outside of its respective States and Territories, determining the necessary force.

XXI. To dictate laws on naturalization, colonization, and citizenship.

XXII. To dictate laws on the general means of communication and on the post-office and mails.

XXIII. To establish mints, fixing the conditions of their operation, to determine the value of foreign money, and adopt a general system of weights and measures.

¹ Amended by Section B, Clause III., Article 72, of the law of the 13th of November, 1874. See p. 30.

XXIV. To fix rules to which must be subject the occupation and sale of public lands and the price of these lands.

XXV. To grant pardons for crimes cognizable by the tribunals of the Federation.

XXVI. To grant rewards or recompense for eminent services rendered to the country or humanity.

XXVII. To prorogue for thirty working days the first period of its ordinary sessions.

XXVIII. To form rules for its internal regulation, to take the necessary measures to compel the attendance of absent members, and to correct the faults or omissions of those present.

XXIX. To appoint and remove freely the employés of its secretaryship and those of the chief auditorship, which shall be organized in accordance with the provisions of the law.

XXX. To make all laws which may be necessary and proper to render effective the foregoing powers and all others granted by this Constitution and the authorities of the Union.¹

Paragraph IV. Of the Permanent Deputation.

ART. 73. During the recesses of Congress there shall be a Permanent Deputation composed of twenty-nine members, of whom fifteen shall be Deputies and fourteen Senators, appointed by their respective houses the evening before the close of the sessions.

ART. 74. The attributes of the Permanent Deputation are—

I. To give its consent to the use of the national guard in the cases mentioned in Article 72, Clause XX.

II. To determine by itself, or on the proposal of the Executive, after hearing him in the first place, the sum—

¹ See respecting this Article the additions A, B, and C to Article 72, of the law of the 13th of November, already cited.

mons of Congress, or of one house alone, for extra sessions, the vote of two-thirds of the members present being necessary in both cases. The summons shall designate the object or objects of the extra sessions.

III. To approve the appointments which are referred to in Article 85, Clause III.

IV. To administer the oath of office to the President of the Republic, and to the Justices of the Supreme Court, in the cases provided by this Constitution.¹

V. To report upon all the business not disposed of, in order that the Legislature which follows may immediately take up such unfinished business.

SECTION II. OF THE EXECUTIVE POWER.

ART. 75. The exercise of the supreme executive power of the Union is vested in a single individual, who shall be called "President of the United States of Mexico."

ART. 76. The election of President shall be indirect in the first degree, and by secret ballot, in such manner as may be prescribed by the electoral law.

ART. 77. To be eligible to the position of President, the candidate must be a Mexican citizen by birth, in the exercise of his rights, be fully thirty-five years old at the time of the election, not belong to the ecclesiastical order, and reside in the country at the time the election is held.

ART. 78. The President shall enter upon the performance of the duties of his office on the first of December, and shall continue in office four years, being eligible for the Constitutional period immediately following; but he shall remain incapable thereafter to occupy the presidency by a new election until four years shall have passed, counted from the day on which he ceased to perform his functions.

ART. 79. In the temporary default of the President of

¹ See the Amendment of September 25, 1873, Art. 4.

the Republic, and in the vacancy before the installation of the newly-elected President, the citizen who may have performed the duties of President or Vice-President of the Senate, or of the Permanent Commission in the periods of recess, during the month prior to that in which said default may have occurred, shall enter upon the exercise of the executive power of the Union.

A. The President and Vice-President of the Senate and of the Permanent Commission shall not be reëlected to those offices until a year after having held them.

B. If the period of sessions of the Senate or of the Permanent Commission shall begin in the second half of a month, the default of the President of the Republic shall be covered by the President or Vice-President who may have acted in the Senate or in the Permanent Commission during the first half of the said month.

C. The Senate and the Permanent Commission shall renew, the last day of each month, their Presidents and Vice-Presidents. For these offices the Permanent Commission shall elect, alternatively, in one month two Deputies and in the following month two Senators.

D. When the office of President of the Republic is vacant, the functionary who shall take it constitutionally as his substitute must issue, within the definite term of fifteen days, the summons to proceed to a new election, which shall be held within the term of three months, and in accordance with the provisions of Article 76 of this Constitution. The provisional President shall not be eligible to the presidency at the elections which are held to put an end to his provisional term.

E. If, on account of death or any other reason, the functionaries who, according to this law, should take the place of the President of the Republic might not be able in any absolute manner to do so, it shall be taken, under predetermined conditions, by the citizen who may have been President or Vice-President of the Senate or the Perma-

ment Commission in the month prior to that in which they discharged those offices.

F. When the office of President of the Republic shall become vacant within the last six months of the constitutional period, the functionary who shall take the place of the President shall terminate this period.

G. To be eligible to the position of President or Vice-President of the Senate or of the Permanent Commission, one must be a Mexican citizen by birth.

H. If the vacancy in the office of President of the Republic should occur when the Senate and Permanent Commission are performing their functions in extra sessions, the President of the Commission shall fill the vacancy, under conditions indicated in this article.

I. The Vice-President of the Senate or of the Permanent Commission shall enter upon the performance of the functions which this Article confers upon them, in the vacancies of the office of President of the Senate or of the Permanent Commission, and in the periods only while the impediment lasts.

J. The newly-elected President shall enter upon the discharge of his duties, at the latest, sixty days after that of the election. In case the House of Deputies shall not be in session, it shall be convened in extra session, in order to make the computation of votes within the term mentioned.

ART. 80. In the vacancy of the office of President, the period of the newly-elected President shall be computed from the first of December of the year prior to that of his election, provided he may not have taken possession of his office on the date which Article 78 determines.

ART. 81. The office of President of the Union may not be resigned, except for grave cause, approved by Congress, before whom the resignation shall be presented.

ART. 82. If for any reason the election of President shall not have been made and published by the first of December, on which the transfer of the office should be made, or the President-elect shall not have been ready to enter upon the

discharge of his duties, the term of the former President shall end nevertheless, and the supreme executive power shall be deposited provisionally in the functionary to whom it belongs according to the provisions of the reformed Article 79 of this Constitution.

ART. 83. The President, on taking possession of his office, shall take an oath before Congress, and in its recess before the Permanent Commission, under the following formula: "I swear to perform loyally and patriotically the duties of President of the United States of Mexico, according to the Constitution, and seek in everything for the welfare and prosperity of the Union."¹

ART. 84. The President may not remove from the place of the residence of the Federal powers, nor lay aside the exercise of his functions, without grave cause, approved by the Congress, and in its recesses by the Permanent Commission.

ART. 85. The powers and obligations of the President are the following:

I. To promulgate and execute the laws passed by the Congress of the Union, providing, in the administrative sphere, for their exact observance.

II. To appoint and remove freely the Secretaries of the Cabinet, to remove the diplomatic agents and superior employés of the Treasury, and to appoint and remove freely the other employés of the Union whose appointment and removal are not otherwise provided for in the Constitution or in the laws.

III. To appoint ministers, diplomatic agents, consuls-general, with the approval of Congress, and, in its recess, of the Permanent Commission.

IV. To appoint, with the approval of Congress, the colonels and other superior officers of the national army and navy, and the superior employés of the treasury.

V. To appoint the other officers of the national army and navy, according to the laws.

¹ See the Amendments and Additions of September 25, 1873.

VI. To control the permanent armed force by sea and land for the internal security and external defence of the Federation.

VII. To control the national guard for the same objects within the limits established by Article 72, Clause XX.

VIII. To declare war in the name of the United States of Mexico, after the passage of the necessary law by the Congress of the Union.

IX. To grant letters of marque, subject to bases fixed by the Congress.

X. To direct diplomatic negotiations and to make treaties with foreign powers, submitting them for the ratification of the Federal Congress.

XI. To receive ministers and other envoys from foreign powers.

XII. To convoke Congress in extra sessions when the Permanent Commission shall consent to it.

XIII. To furnish the judicial power with that assistance which may be necessary for the prompt exercise of its functions.

XIV. To open all classes of ports, to establish maritime and frontier custom-houses and designate their situation.

XV. To grant, in accordance with the laws, pardons to criminals sentenced for crimes within the jurisdiction of the Federal tribunals.

XVI. To grant exclusive privileges, for a limited time and according to the proper law, to discoverers, inventors, or perfecters of any branch of industry.

ART. 86. For the dispatch of the business of the administrative department of the Federation there shall be the number of Secretaries which the Congress may establish by a law, which shall provide for the distribution of business and prescribe what shall be in charge of each Secretary.

ART. 87. To be a Secretary of the Cabinet it is required that one shall be a Mexican citizen by birth, in the exercise of his rights, and fully twenty-five years old.

ART. 88. All the regulations, decrees, and orders of the President must be signed by the Secretary of the Cabinet who is in charge of the department to which the subject belongs. Without this requisite they shall not be obeyed.

ART. 89. The Secretaries of the Cabinet, as soon as the sessions of the first period shall be opened, shall render an account to the Congress of the state of their respective departments.

SECTION III. OF THE JUDICIAL POWER.

ART. 90. The exercise of the judicial power of the Federation is vested in a Supreme Court of Justice, and in the district and circuit courts.

ART. 91. The Supreme Court of Justice shall be composed of eleven judges, four supernumeraries, one fiscal, and one attorney-general.

ART. 92. Each of the members of the Supreme Court of Justice shall remain in office six years, and his election shall be indirect in the first degree, under conditions established by the electoral law.

ART. 93. In order to be elected a member of the Supreme Court of Justice it is necessary that one be learned in the science of the law in the judgment of the electors, more than thirty-five years old, and a Mexican citizen by birth, in the exercise of his rights.

ART. 94. The members of the Supreme Court of Justice, on entering upon the exercise of their charge, shall take an oath before Congress, and, in its recesses, before the Permanent Commission, in the following form: "Do you swear to perform loyally and patriotically the charge of Magistrate of the Supreme Court of Justice, which the people have conferred upon you in conformity with the Constitution, seeking in everything the welfare and prosperity of the Union?"¹

ART. 95. A member of the Supreme Court of Justice

¹ See Additions to the Constitution, September 25, 1873.

may resign his office only for grave cause, approved by the Congress, to whom the resignation shall be presented. In the recesses of the Congress the judgment shall be rendered by the Permanent Commission.

ART. 96. The law shall establish and organize the circuit and district courts.

ART. 97. It belongs to the Federal tribunals to take cognizance of—

I. All controversies which may arise in regard to the fulfilment and application of the Federal laws, except in the case in which the application affects only private interests; such a case falls within the competence of the local judges and tribunals of the common order of the States, of the Federal District, and of the Territory of Lower California.

II. All cases pertaining to maritime law.

III. Those in which the Federation may be a party.

IV. Those that may arise between two or more States.

V. Those that may arise between a State and one or more citizens of another State.

VI. Civil or criminal cases that may arise under treaties with foreign powers.

VII. Cases concerning diplomatic agents and consuls.

ART. 98. It belongs to the Supreme Court of Justice, in the first instance, to take cognizance of controversies which may arise between one State and another, and of those in which the Union may be a party.

ART. 99. It belongs also to the Supreme Court of Justice to determine the questions of jurisdiction which may arise between the Federal tribunals, between these and those of the States, or between the courts of one State and those of another.

ART. 100. In the other cases comprehended in Article 97, the Supreme Court of Justice shall be a court of appeal or, rather, of last resort, according to the graduation which the law may make in the jurisdiction of the circuit and district courts.

ART. 101. The tribunals of the Federation shall decide all questions which arise—

I. Under laws or acts of whatever authority which violate individual guarantees.

II. Under laws or acts of the Federal authority which violate or restrain the sovereignty of the States.

III. Under laws or acts of the State authorities which invade the sphere of the Federal authority.

ART. 102. All the judgments which the preceding article mentions shall be had on petition of the aggrieved party, by means of judicial proceedings and forms which shall be prescribed by law. The sentence shall be always such as to affect private individuals only, limiting itself to defend and protect them in the special case to which the process refers, without making any general declaration respecting the law or act which gave rise to it.

TITLE IV.

OF THE RESPONSIBILITY OF THE PUBLIC FUNCTIONARIES.

ART. 103. The Senators, the Deputies, the members of the Supreme Court of Justice, and the Secretaries of the Cabinet are responsible for the common crimes which they may commit during their terms of office, and for the crimes, misdemeanors, and negligence into which they may fall in the performance of the duties of said office. The Governors of the States are likewise responsible for the infraction of the Constitution and Federal laws. The President of the Republic is also responsible; but during the term of his office he may be accused only for the crimes of treason against the country, express violation of the Constitution, attack on the freedom of election, and grave crimes of the common order. The high functionaries of the Federation shall not enjoy any Constitutional privilege for the official crimes, misdemeanors, or negligence into which they may fall in the performance of

any employment, office, or public commission which they may have accepted during the period for which, in conformity with the law, they shall have been elected. The same shall happen with respect to those common crimes which they may commit during the performance of said employment, office, or commission. In order that the cause may be initiated when the high functionary shall have returned to the exercise of his proper functions, proceeding should be undertaken in accordance with the provision of Article 104 of this Constitution.

ART. 104. If the crime should be a common one, the House of Representatives, formed into a grand jury, shall declare, by an absolute majority of votes, whether there is or is not ground to proceed against the accused. In the negative case, there shall be no ground for further proceeding; in the affirmative, the accused shall be, by the said act, deprived of his office, and subjected to the action of the ordinary tribunals.

ART. 105. The houses shall take cognizance of official crimes, the House of Deputies as a jury of accusation, the Senators as a jury of judgment.

The jury of accusation shall have for its object to declare, by an absolute majority of votes, whether the accused is or is not culpable. If the declaration should be absolutory, the functionary shall continue in the exercise of his office; if it should be condemnatory, he shall be immediately deprived of his office, and shall be placed at the disposal of the Senate. The latter, formed into a jury of judgment, and, with the presence of the criminal and of the accuser, if there should be one, shall proceed to apply, by an absolute majority of votes, the punishment which the law designates.

ART. 106. A judgment of responsibility for official crimes having been pronounced, no favor of pardon may be extended to the offender.

ART. 107. The responsibility for official crimes and misdemeanors may be required only during the period in

which the functionary remains in office, and one year thereafter.

ART. 108. With respect to demands of the civil order, there shall be no privilege or immunity for any public functionary.

TITLE V.

OF THE STATES OF THE FEDERATION.

ART. 109. The States shall adopt for their internal regimen the popular, representative, republican form of government, and may provide in their respective Constitutions for the reëlection of the Governors in accordance with what Article 78 provides for the President of the Republic.

ART. 110. The States may regulate among themselves, by friendly agreements, their respective boundaries; but those regulations shall not be carried into effect without the approval of the Congress of the Union.

ART. 111. The States may not in any case—

I. Form alliances, treaties, or coalitions with another State, or with foreign powers, excepting the coalition which the frontier States may make for offensive or defensive war against the Indians.

II. Grant letters of marque or reprisal.

III. Coin money, or emit paper money or stamped paper.

ART. 112. Neither may any State, without the consent of the Congress of the Union:

I. Establish tonnage duties, or any port duty, or impose taxes or duties upon importations or exportations.

II. Have at any time permanent troops or vessels of war.

III. Make war by itself on any foreign power, except in cases of invasion or of such imminent peril as to admit of no delay. In these cases the State shall give notice immediately to the President of the Republic.

ART. 113. Each State is under obligation to deliver without delay the criminals of other States to the authority that claims them.

ART. 114. The Governors of the States are obliged to publish and cause to be obeyed the Federal laws.

ART. 115. In each State of the Federation entire faith and credit shall be given to the public acts, records, and judicial proceedings of all the other States. The Congress may, by means of general laws, prescribe the manner of proving said acts, records, and proceedings, and the effect thereof.

ART. 116. The powers of the Union are bound to protect the States against all invasion or external violence. In case of insurrection or internal disturbance they shall give them like protection, provided the Legislature of the State, or the Executive, if the Legislature is not in session, shall request it.

TITLE VI.

GENERAL PROVISIONS.

ART. 117. The powers which are not expressly granted by this Constitution to the Federal authorities are understood to be reserved to the States.

ART. 118. No person may at the same time hold two Federal elective offices; but if elected to two, he may choose which of them he will fill.

ART. 119. No payment shall be made which is not comprehended in the budget or determined by a subsequent law.

ART. 120. The President of the Republic, the members of the Supreme Court of Justice, the Deputies, and other public officers of the Federation, who are chosen by popular election, shall receive a compensation for their services, which shall be determined by law and paid by the Federal Treasury. This compensation may not be renounced, and any law which augments or diminishes it shall not have

effect during the period for which a functionary holds the office.

ART. 121. Every public officer, without any exception, before taking possession of his office, shall take an oath to maintain this Constitution and the laws which emanate from it.¹

ART. 122. In time of peace no military authority may exercise more functions than those which have close connection with military discipline. There shall be fixed and permanent military commands only in the castles, fortresses, and magazines which are immediately under the government of the Union; or in encampments, barracks, or depots which may be established outside of towns for stationing troops.

ART. 123. It belongs exclusively to the Federal authorities to exercise, in matters of religious worship and external discipline, the intervention which the laws may designate.

ART. 124. The States shall not impose any duty for the simple passage of goods in the internal commerce. The Government of the Union alone may decree transit duties, but only with respect to foreign goods which cross the country by international or interoceanic lines, without being on the national territory more time than is necessary to traverse it and depart to the foreign country.

They shall not prohibit, either directly or indirectly, the entrance to their territory, or the departure from it, of any merchandise, except on police grounds; nor burden the articles of national production on their departure for a foreign country or for another State.

The exemptions from duties which they concede shall be general; they may not be decreed in favor of the products of specified origin.

The quota of the import for a given amount of merchandise shall be the same, whatever may have been its origin,

¹ See the Additions of September 25, 1873.

and no heavier burden may be assigned to it than that which the similar products of the political entity in which the import is decreed bear.

The national merchandise shall not be submitted to definite route nor to inspection or registry on the ways, nor any fiscal document be demanded for its internal circulation.

Nor shall they burden foreign merchandise with a greater quota than that which may have been permitted them by the Federal law to receive.

ART. 125. The forts, military quarters, magazines, and other edifices necessary to the government of the Union shall be under the immediate inspection of the Federal authorities.

ART. 126. This Constitution, the laws of the Congress of the Union which emanate from it, and all the treaties made or which shall be made by the President of the Republic, with the approval of Congress, shall be the supreme law of the whole Union. The judges of each State shall be guided by said Constitution, law, and treaties in spite of provisions to the contrary which may appear in the Constitutions or laws of the States.

TITLE VII.

OF THE REFORM OF THE CONSTITUTION.

ART. 127. The present Constitution may be added to or reformed. In order that additions or alterations may become part of the Constitution, it is required that the Congress of the Union, by a vote of two-thirds of the members present, shall agree to the alterations or additions, and that these shall be approved by the majority of the Legislatures of the States. The Congress of the Union shall count the votes of the Legislatures and make the declaration that the reforms or additions have been approved.

TITLE VIII.

OF THE INVOLABILITY OF THE CONSTITUTION.

ART. 128. This Constitution shall not lose its force and vigor even if its observance be interrupted by a rebellion. In case that by any public disturbance a government contrary to the principles which it sanctions shall be established, as soon as the people recover their liberty its observance shall be reëstablished, and in accordance with it and the laws which shall have been issued in virtue of it, shall be judged not only those who shall have figured in the government emanating from the rebellion, but also those who shall have coöperated with it.

ADDITIONS TO THE CONSTITUTION.

ART. 1. The State and the Church are independent of one another. The Congress may not pass laws establishing or prohibiting any religion.

ART. 2. Marriage is a civil contract. This and the other acts relating to the civil state of persons belong to the exclusive jurisdiction of the functionaries and authorities of the civil order, within limits provided by the laws, and they shall have the force and validity which the same attribute to them.

ART. 3. No religious institution may acquire real estate or capital fixed upon it, with the single exception established in Article 27 of this Constitution.

ART. 4. The simple promise to speak the truth and to comply with the obligations which have been incurred, shall be substituted for the religious oath, with its effects and penalties.

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